

(2001) 04 PAT CK 0082
In the Patna High Court
Case No : M.A. No. 214 of 1994

Divisional Manager and Another	Vs	APPELLANT
Most. Mamta Singh and Others		RESPONDENT

Date of Decision : 18-04-2001

Acts Referred:

Citation : (2001) 3 PLJR 491

Hon'ble Judges : S.N. Pathak, J

Bench : Single Bench

Advocate : Ajay Kumar, for the Appellant; Poonam Singh, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Pathak, J.—This appeal is directed against the judgment of the Tribunal passed by the Additional District Judge (Claims Tribunal) Gaya in M.A.C. Case No. 31/91/8/91. Insurance Company is Appellant here.

2. Appellants' lawyer submitted that the deceased was aged about 25 years 2nd claimants were his widow and children and as also his father. The tribunal assessed the quantum of compensation by multiplying 35 to the annual income of the deceased after deducting the amount from the annual income towards his personal expenses. The tribunal, therefore, assessed annual dependency value of the claimant at Rs. 12,000/-. As claimed by the claimants themselves, the deceased was earning Rs. 1500/- per month. So the amount towards his personal expenses would be Rs. 500/-. (The tribunal wrongly applied the multiplier 35. Multiplier fixed by the Act would be 18 regarding the age group of 25. So applying the principle either of dependancy or of multiplier, the quantum of compensation granted by the tribunal is apparently wrong and illegal.

3. The Respondents' lawyer raised objection to this appeal on the ground that u/s 170 of the Act, the Appellants should have taken permission from the lower court before challenging the quantum of compensation before this Court. However, I am of the opinion and I am forfeited by the decision of this Court as

reported in 2000 PLJR 4 109. National Insurance Company Ltd. Chas at Bokaro v. Surjit Kaur and Ors. to the effect that when the principle of multiplier is taken in calculating the amount of compensation and the tribunal applied the principle wrongly and took the multiplier not authorised by the Act, Insurance Company can challenge the principle applied by the tribunal and this would not amount to challenging the amount of compensation. I am in agreement with the Appellants' lawyer and this Court in the reported decision as above also held like that.

4. In the result, I find that, of course, tribunal applied a wrong multiplier (35). So maximum multiplier of 18 should have been used by the tribunal for assessing the actual amount of compensation paid to the claimant-Respondents. So applying multiplier of 18 to the annual income of the deceased, the amount of compensation shall come to Rs. 2,16,000/- which is apparently higher than the amount of compensation by applying the principle of dependency.

5. In the result, this misc. appeal is dismissed, but after modifying the amount of compensation which comes to Rs. 2,16,000/- The amount of interim compensation already paid to the claimants shall be deducted from the amount of total compensation as is the law.

6. During the course of hearing, it was pointed out that the award finally, prepared by the tribunal was discrepant, so far amount granted to the claimants on account of loss of the deceased's company and the shock incurred on account of his death. Judgment referred to an amount of Rs. 15,000/- in all to the claimants at the rate of Rs. 5,000/- each. However, the award referred to the amount of Rs. 15,000/- each to be paid to the claimants. So it is clarified that the award shall be amended and brought in conformity with the original judgment.

7. Statutory amount deposited by the Appellants in the court is permitted to be withdrawn by the claimant-Respondents.